

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

FRANK CARBONE, ANDREW CORZO,
SAVANNAH ROSE EKLUND, SIA HENRY,
ALEXANDER LEO-GUERRA, MICHAEL
MAERLANDER, BRANDON PIYEVSKY, KARA
SAFFRIN, and BRITTANY TATIANA WEAVER,
individually and on behalf of all others similarly
situated,

Plaintiffs,

v.

BROWN UNIVERSITY, CALIFORNIA
INSTITUTE OF TECHNOLOGY, UNIVERSITY
OF CHICAGO, THE TRUSTEES OF COLUMBIA
UNIVERSITY IN THE CITY OF NEW YORK,
CORNELL UNIVERSITY, TRUSTEES OF
DARTMOUTH COLLEGE, DUKE UNIVERSITY,
EMORY UNIVERSITY, GEORGETOWN
UNIVERSITY, THE JOHNS HOPKINS
UNIVERSITY, MASSACHUSETTS INSTITUTE
OF TECHNOLOGY, NORTHWESTERN
UNIVERSITY, UNIVERSITY OF NOTRE DAME
DU LAC, THE TRUSTEES OF THE UNIVERSITY
OF PENNSYLVANIA, WILLIAM MARSH RICE
UNIVERSITY, VANDERBILT UNIVERSITY, and
YALE UNIVERSITY,

Defendants.

Case No. 1:22-cv-00125

Judge Matthew F. Kennelly

Magistrate Gabriel A. Fuentes

**DEFENDANTS' RESPONSE TO THE UNITED STATES' MOTION FOR LEAVE TO
SUBMIT A STATEMENT OF INTEREST AND MOTION FOR ADDITIONAL PAGES**

Defendants do not oppose the United States' motion for leave to submit a statement of interest (ECF No. 167) and defer to the Court on whether it would find the United States' views on these questions to be useful at this stage. If the United States' motion is granted, Defendants respectfully request an additional three (3) pages for their reply briefs in support of their motion to dismiss so that Defendants can appropriately address the United States' arguments. In support thereof, Defendants state as follows:

1. On March 15, 2022, the parties submitted a Joint Status Report (ECF 132), proposing the following page limits for briefing Defendants' motions to dismiss: 45 pages for opening briefs, to be filed on April 15, 2022; 45 pages for Plaintiffs' opposition brief, to be filed on June 10, 2022; and 22.5 pages for Defendants' reply briefs, to be filed on July 15, 2022. This Court adopted the parties' proposals in a March 21, 2022, Minute Entry. (ECF 139).

2. Defendants filed their motions to dismiss and opening briefs on April 15, 2022. (ECF 145, 146, 147, 148).

3. Plaintiffs requested an additional five pages for their opposition and a commensurate additional five pages for Defendants' reply briefs on May 25, 2022 (ECF 162), which this Court granted (ECF No. 163).

4. Plaintiffs filed their opposition on June 10, 2022 (ECF No. 164).

5. Three months after Defendants filed their opening brief, and one week before Defendants' reply briefs were due, the United States moved to submit a statement of interest in this case pursuant to 28 U.S.C. § 517 on July 7, 2022 (ECF No. 167). That proposed statement of interest is just under 17 pages long. The proposed statement of interest makes new arguments on the issues in dispute in the case.

6. Counsel for Plaintiffs and Defendants have conferred, and Plaintiffs do not oppose Defendants' request.

WHEREFORE, Defendants respectfully request an additional three pages for their reply briefs, bringing the aggregate length of all Defendants' reply briefs to 30.5 pages.

Respectfully submitted,

Date: July 7, 2022

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CERTIFICATE OF SERVICE

I hereby certify that on July 7, 2022, I electronically filed the foregoing response using the CM/ECF system. Participants in the case are registered CM/ECF users, and service will be accomplished by the CM/ECF system.

/s/ Seth Waxman

Seth Waxman